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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,758	09/01/2006	Vesa Simila	KOL.222.WUS	6655
76385 7590 07/29/2009 Hollingsworth & Funk, LLC 8009 34th Avenue South Suite 125 Minneapolis, MN 54425				
EXAMINER				
ORR, HENRY W				
ART UNIT		PAPER NUMBER		
2175				
MAIL DATE		DELIVERY MODE		
07/29/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 10/591,758	<b>Applicant(s)</b> SIMILA ET AL.
<b>Examiner</b> HENRY ORR	<b>Art Unit</b> 2175

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 09 July 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☒ Applicant's reply has overcome the following rejection(s): 35 U.S.C. 101 Rejection to claim 15.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-16.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/William L. Bashore/  
Supervisory Patent Examiner, Art Unit 2175

Continuation of 11, does NOT place the application in condition for allowance because: Applicant asserts that DeStefano teaches that after the preview the user must still select a grip mode in order to perform a desired operation.

Examiner respectfully disagrees.

Although, DeStefano teaches an embodiment as asserted by the Applicant above; that is not the only embodiment that DeStefano teaches in the disclosure.

For example, DeStefano teaches in other embodiments, initiation of a move grip mode or a resize grip mode to perform the desired operation, without a corresponding movement of the pointer, may be sufficient to provide a "preview" function to permit a user to determine whether it is desirable to move or resize the current group of affected window (see col. 15 lines 19-24). In light of this passage, a "preview" may occur after a user initiates either a move or resize grip mode. Therefore, DeStefano teaches an embodiment that does not require a user to select a mode (e.g. move or resize modes) after the "preview".

Applicant argues DeStefano does not teach or suggest determining a grip area on a predetermined location on the display, as claimed in each of the independent claims.

Examiner respectfully disagrees.

Applicant admits that DeStefano teaches that the asserted grip span is a proximity range dependent upon the location of a user-controlled pointer when the pointer is in a move or resize mode. Applicant also admits that the proximity range is dependent upon the pointer's location. Examiner submits that this "pointer's location" as described is an example of a "predetermined location". Examiner submits that any location that the proximity range depends on is equivalent to the recited "predetermined location". Examiner interprets the phrase "predetermined location" as merely a location that is known beforehand. For example, a developer must know beforehand at which locations certain functions are capable of being invoked. Therefore, the location at which the proximity range function can be invoked as determined by the developer is also a predetermined location. A user may choose a location however the location has already been determined to allow particular functions to be invoked. In other words, when the user chooses a location with the pointer to perform a preview, Examiner submits that the developer of the application has already determined that the chosen location would either allow or not allow a preview to be performed. Therefore, when a preview is performed at a location with the pointer, this location is a predetermined location as determined by the developer to allow a preview to occur. Thus, DeStefano does teach or suggest determining a grip area on a predetermined location on the display.

Applicant asserts that since DeStefano's grip span is based on a variable, user-controlled pointer, DeStefano's grip span cannot be on a predetermined location on the display, as claimed.

Examiner respectfully disagrees.

Examiner submits that a location must be chosen in order for the functionality of the grip span to occur. Examiner further submits that the chosen location was known beforehand (i.e., predetermined) by the developer to be a particular location that is capable of allowing the grip span functionality to be invoked. Therefore, the user-controlled pointer being variable has nothing to do with the location being predetermined to allow a particular function to be invoked. In other words, the user-controlled pointer merely selects the already predetermined location which was determined by the developer to allow particular functionalities to be invoked at such location.

Applicant maintains that DeStefano fails to teach or suggest detecting activation of the grip area for managing application windows on the display on the basis of a cursor being at least in the vicinity of the grip area.

Examiner respectfully disagrees.

Examiner submits that the activation of the "grip area" (i.e., pointer and grip span capabilities) involves the use of a pointer (i.e., cursor), therefore, the activation of the "grip area" is based on the pointer (i.e., cursor) being in the vicinity of the activated "grip area".

In respect to claim 2, Applicant maintains that the asserted teachings do not correspond to the claimed showing of the grip area on the display. Applicant argues that instead of showing a grip area, as claimed, DeStefano teaches that the pointer representation is changed and that the affected windows may be highlighted.

Examiner interprets the pointer and grip span capabilities as taught by DeStefano to anticipate the recited "grip area" because a user can briefly see the pointer and grip span capabilities. For example, affected windows that are highlighted when the grip span capabilities are performed may be interpreted as the "grip area". Examiner submits that the affected windows that are highlight represent a "grip area" that is shown on the display.

In respect to the rejection of claims 3 and 4, Applicant argues that the asserted teachings do not correspond to the claimed determining of

the grip area at the edges (or at a bar) of an application window.

Examiner respectfully disagrees.

DeStefano teaches determining the grip area at a bar of an applicatoin window (see abstract, col. 9 lines 14-30: the grip span of the pointer can be determined at any part (e.g. bar, corner, edges) of an application window because the proximity range of the grip span is customizable.

For at least the foregoing reasons, Examiner maintains Prior Art Rejections.